THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.10023 OF 2007

DATED 09th JULY, 2007

BETWEEN:

Gowri Shankar Palnitkar and another.

… Petitioners

AND

The Commissioner, Urban Land Ceiling, Andhra Pradesh, Nampally, Hyderabad and another.

… Respondents

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ORDER:

The two petitioners are sons of Dr Pandit Rao Palnitkar. They along with two sisters filed declarations under Section 6 of Urban Land (Ceiling and Regulation) Act, 1976 (the Act, for brevity). The second respondent processed the same and passed a common order on 21.05.1998 under Section 8(4) read with Section 9 of the Act holding that the petitioners are surplus vacant landholders to the extent of 7,240.15 square meters each. The final order under Section 8(4) was also followed by Notification under Section 10(1) of the Act on 06.08.1998. Against the said Notification, the petitioners filed Appeals on 22.08.1998 and also prayed for interim suspension of the final orders of second respondent. In proceedings being CLR&ULC Ref.No.Hyd/127/98, dated 24.08.1998, first respondent suspended the orders of second respondent until further orders on condition that the petitioners or any one claiming through them shall not create a charge on the vacant land. These appeals are pending. Even while so, second respondent published Notices under Section 10(3) of the Act. Again the petitioners preferred appeals on 04.05.2007. Nonetheless, they filed the present writ petition on 07.05.2007 assailing the notices/notification under Section 10(3) of the Act.

Heard the learned counsel for petitioners and learned Government Pleader for Urban Land Ceiling. Admittedly, petitioners filed Appeals when the matter was at the stage of Section 10(1) Notification and subsequently they also filed Appeals before first respondent at the stage of Section 10(3) Notification. Therefore, petitioners' remedy is to pursue the Appeals before first respondent, who is directed to dispose of the Appeals within a period of eight weeks from the date of receipt of copy of this order. As petitioners have already obtained orders of interim suspension as against the Notice under Section 10(1) of the Act, this Court is not inclined to pass any orders.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

09.07.2007.
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